

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

15-CR-6131 (EAW)

UNITED STATES OF AMERICA

**DEFENDANT'S
SENTENCING
STATEMENT**

v.

MATTHEW DIFLORIO

JEFFREY L. CICCONE, Assistant Federal Public Defender for the Western District of New York, affirms as follows:

I am an attorney licensed to practice law in the State of New York and the United States District Court for the Western District of New York, and I represent Matthew DiFlorio.

I make this affirmation pursuant to the requirements of Section 6A1.2 of the Sentencing Guidelines and Rule 32(f) of the Federal Rules of Criminal Procedure.

In accordance with those rules, I have reviewed the Presentence Investigation Report (hereinafter the "PSR") dated January 11, 2016, and have discussed it with Mr. DiFlorio. The defense has no objections to the PSR.

On October 14, 2015, Matthew DiFlorio pled guilty, pursuant to a written plea agreement, to a single-count information charging him with coercion and enticement of a minor, in violation of Title 18 U.S.C. Section 2422(b). (Docket # 15).

The written plea agreement entered into by the parties anticipated an advisory Sentencing Guidelines range of 120 to 135 months. However, pursuant to Rule 11(c)(1)(C) of the Federal Rules of Criminal Procedure, the parties agreed that the specific sentence of 120 months is appropriate in this case.

The Guideline calculation contained in the PSR is the same as that anticipated by the parties in the written plea agreement.

Attached as Exhibit A is Matthew DiFlorio's letter of acceptance to the Court.

The defense respectfully requests that the Court accept the Rule 11(c)(1)(C) plea agreement and impose the agreed upon sentence of 120 months.

Date: January 13, 2016

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